

1 Tarek Isaak Mentouri
2 1801 Glade Street
3 Nashville, TN 37207
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JAN 19 2021
U.S. District Court
Middle District of TN

5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE MIDDLE DISTRICT OF TENNESSEE**

7 TAREK ISAAK MENTOURI,)
8 Plaintiff,)
9 vs.)
10)
11 THE JOINT CORP., d/b/a)
12 THE JOINT CHIROPRACTIC)
13 MANAGEMENT COMPANY;)
14 101 WELLNESS VENTURES,)
15 PLLC;)
NASHVILLE PHOENIX, PC;)
Defendants)

CV: 3:20-CV-01098
FIRST AMENDED COMPLAINT
FOR DISCRIMINATION IN
VIOLATION OF THE AMERICANS
WITH DISABILITIES ACT OF 1990

(JURY DEMAND)

16
17 **NATURE OF THE ACTION**
18

- 19 1. This amended complaint adds an additional party, Defendant Nashville Phoenix, PC.,
20 a professional corporation with a principal office at 782 Old Hickory Blvd. Suite 111;
21 Brentwood, TN 37027. Ryan Footit, DC, is the registered agent and owner of
22 Nashville Phoenix, PC. All Defendants throughout this amended complaint will be
23 referred to collectively as "Defendants," "Joint Chiropractic," or "Joint."
24
25 2. This amended complaint is being filed within 21 days of service of the original
26 complaint being served, and is submitted as a matter of course in this action. Fed. R.
27 Civ. P. 15(a)(1)(A).
28

1 3. Plaintiff Tarek Isaak Mentouri ("Mentouri") brings this action to halt and seek redress
2 for the unlawful discrimination pursuant to the Americans with Disabilities Act by The
3 Joint Corp., 101 Wellness Ventures PLLC, and Nashville Phoenix PC. Mentouri is
4 afflicted with Asperger Syndrome and Tourette Syndrome, conditions that U.S. law
5 prohibits public places of business and recreation from discriminating against
6 individuals based on said afflictions.
7

8 **PARTIES**

9 4. Mentouri is a resident of Nashville, Tennessee and has been such a resident
10 throughout the time of the events leading to this complaint.
11

12 5. The Joint Corp., d/b/a The Joint Chiropractic Management Company, is a corporation
13 engaged in the business of offering personal services at over 500 chiropractic offices
14 in 33 states. Its principal place of business is located at 16767 N. Perimeter Drive,
15 Suite 110; Scottsdale, AZ 85260. Defendant can be served with process through C T
16 Corporation System (C0168406), 818 West Seventh Street, Suite 930; Los Angeles,
17 CA 90017.
18

19 6. 101 Wellness Ventures, aka BDM Wellness Ventures 1, LLC, is the owner and
20 operator of the Joint Chiropractic clinic in question. The company principally does
21 business in Tennessee. It's principal office is located at 401 S. Mount Juliet Rd., Ste.
22 245; Mount Juliet, TN 37122-8473. Defendant can be serve with process through
23 William B. Goodman, aka Barry Goodman, 1731 Mallory Lane #109, Brentwood, TN
24 37027-7986.
25

26 7. Defendant Nashville Phoenix, PC. is added to this amended complaint as a matter of
27 course. Amended Complaint at 1.
28

JURISDICTION

8. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1332.

9. Venue and personal jurisdiction in this District are proper because the Plaintiff resides in the District, and the acts in controversy occurred within the District. Defendants do and transact business within the District and throughout the United States.

FACTUAL ALLEGATIONS

10. Mentouri was a patient at The Joint Chiropractic in Brentwood, Tennessee. He'd been a patient since 2016 without issue.

11. Mentouri received a phone call from Dr. Ryan Footit on August 23, 2020. Dr. Footit said Mentouri is no longer welcome at The Joint Chiropractic because Mentouri makes "loud sounds" when the doctors are working on his back. There were incidents that the doctors laughed at Mentouri when he allegedly made the "loud sounds." But Mentouri continued seeing the doctors at the Joint Chiropractic as it is necessary for his overall health and well-being.

12. Mentouri received a letter from Dr. Footit confirming "discharge from care." **See Attached Exhibit A (Footit letter).** The letter, however, did not state the reason for the discharge that was given by phone. The letter did not state a reason at all. Mentouri suffers from Asperger Syndrome, a developmental disorder that effects his ability to socialize and communicate. Aspergers is on the autism spectrum. Mentouri, due to his condition, is sometimes unaware of his social surroundings.

13. Mentouri also suffers from involuntary motor movements from time to time due to the foregoing, and Tourette Syndrome. Despite these conditions, Mentouri has lived a

1 relatively normal life due to diligence with treatments and counseling for his
2 conditions.

3 14. Mentouri's conditions had not affected his treatment schedule with The Joint
4 Chiropractic at any point until August 23, 2020. He was blindsided by being
5 discharged from care because of his disabilities. The actions by the Defendants
6 violate, *inter alia*, Title III of the Americans with Disabilities Act.
7

8 15. Mentouri served the Defendant s a notice of claim on September 17, 2020. The 30-
9 day deadline expire without a response from the Defendants.
10

11 **FIRST CLAIM FOR RELIEF**

12 **Violation of Title III of the Americans with Disabilities Act (42 U.S.C. § 12182)**

13 16. Plaintiff incorporates by reference each and every allegation contained in the
14 foregoing paragraphs.

15 17. Title III of the Americans with Disabilities Act ("ADA") provides that "no individual
16 shall be discriminated against on the basis of disability in the full and equal enjoyment
17 of the goods, services, facilities, privileges, advantages, or accommodations of any
18 place of public accommodation by any person who owns, leases (or leases to), or
19 operates a place of public accommodation." See 42 U.S.C. § 12182(a). The
20 professional office of a health care provider is a public accommodation. 42 U.S.C. §
21 12181(7)(F).
22

23 18. Mentouri has two physical and mental impairments that substantially limits one or
24 more major life activities and a record of such impairments exists. 42 U.S.C.
25 § 12102(1).
26
27
28

1 19. Mentouri suffers from both Asperger Syndrome and Tourette Syndrome. A Title III
2 ADA claim must prove three elements:

- 3 • that Plaintiff is disabled within the meaning of the ADA;
4 • that the Defendant owns, leases, or operates a place of public accommodation; and
5 • that Plaintiff was denied public accommodation by the Defendant due to his or her
6 disability.

7 20. A Plaintiff's complaint must allege "enough facts to state a claim to relief that is
8 plausible on its face." *Twombly v. Bell Atlantic Corp.*, 550 U.S. at 570 (2007).
9

10 21. This complaint lays out a set of facts that Plaintiff can prove, and entitle him to relief.
11 See *Conley v. Gibson*, 355 U.S. 41,46, 78 S. Ct. 99, 102 (1957); Fed. R. Civ. P. 12(b)
12 (6).

13 **SECOND CLAIM FOR RELIEF**

14 **Discrimination Under Federal Grants and Programs (29 U.S.C. § 794(a))**

15 22. Plaintiff incorporates by reference each and every allegation contained in the
16 foregoing paragraphs.
17

18 23. Section 504 of the Rehabilitation Act provides that "no otherwise qualified individual
19 with a disability in the United States, as defined in section 705(20) of this title, shall,
20 solely by reason of her or his disability, be excluded from the participation in, be
21 denied the benefits of, or be subjected to discrimination under any program or
22 activity receiving Federal financial assistance. See 29 U.S.C. § 794(a).
23

24 24. Program or activity is defined as an entire corporation, partnership, or other private
25 organization, or an entire sole proprietorship if assistance is extended to such
26 corporation, partnership, private organization, or sole proprietorship as a whole. See
27 See 29 U.S.C. § 794(b)(3)(A)(i).
28

1 25. The Joint Chiropractic received \$2.7 million in federal funds in April under the
2 CARES Act Paycheck Protection Program provision. **See Attached Exhibit B (Press**
3 **Release)**. The Paycheck Protection Program is part of the Coronavirus Aid, Relief,
4 and Economic Security (CARES) Act, a federal stimulus program signed into law on
5 March 27, 2020¹.
6

7 26. Mentouri was otherwise qualified to receive services from Joint Chiropractic since
8 the company provided said services for nearly four years until its discrimination based
9 on Mentouri's disabilities.

10 **THIRD CLAIM FOR RELIEF**

11 **Intentional Infliction of Emotional Distress**

12 27. Plaintiff incorporates by reference each and every allegation contained in the
13 foregoing paragraphs.
14

15 28. The elements of an intentional infliction of emotional distress claim, as articulated by
16 the Tennessee Supreme Court, are that the defendant's conduct was (1) intentional or
17 reckless, (2) so outrageous that it is not tolerated by civilized society, and (3) resulted
18 in serious mental injury to the plaintiff. *Rogers v. Louisville Land Co.*, 367 S.W.3d 196
19 (2012).
20

21 29. The defendants laughing and belittling the Plaintiff because of his disabilities, and
22 their subsequent barring him from receiving further services, caused the Plaintiff
23 unnecessary anxiety, depression and physical pain.
24

25 **PRAYER FOR RELIEF**

26 30. Plaintiff respectfully prays for the following relief:
27
28

¹ <https://home.treasury.gov/policy-issues/cares/assistance-for-small-businesses>

1. An award of appropriate compensatory and punitive damages under the ADA and Rehabilitation Act, for the intentional discrimination against the Plaintiff
2. An award of compensatory and punitive damages for the state claim of intentional infliction of emotional distress.
3. Any other relief that this Honorable Court deems appropriate.

28. A TRIAL BY JURY IS HEREBY DEMANDED.

Respectfully submitted on this 7 day of January, 2021



Tarek Isaak Mentouri
1801 Glade Street
Nashville, TN 37207
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770-895-5046
PRO SE PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a copy of this amended complaint, along with a waiver of service pursuant to Fed. R. Civ. P. 4(d)(1), was mailed with delivery and signature confirmation to:

Nashville Phoenix, PC.
Attn: Ryan Footit, DC.
782 Old Hickory Blvd. Ste. 111
Brentwood, TN 37027

A copy of this amended complaint was also sent via US Priority Mail to:

101 Wellness Ventures
aka BDM Wellness Ventures 1, LLC
attn: Barry (William) Goodman
1731 Mallory Lane #109
Brentwood, TN 37027-7986

1 C T Corporation System (C0168406)
2 c/o The Joint Corp. d/b/a The Joint Chiropractic Management Company
3 818 West Seventh Street, Suite 930
4 Los Angeles, CA 90017



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1*****SNGLP 480

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US District Court
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